

REMARKS BEST AVAILABLE COPY

Favorable reconsideration and allowance of the claims of the present application are respectfully requested.

Before addressing the specific grounds of rejection raised in the present Office Action, applicants acknowledge, with thanks, the Examiner's indication that Claims 9-20 are allowable over the applied prior art. The remaining claims, i.e., Claims 1-8, stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,576,921 to Lowrey ("Lowrey").

In order to clarify the inventive structure recited in Claim 1, applicants have amended the claim to positively recite that the base contact includes a phase change material liner in which a portion thereof is located directly on a surface of the base of a bipolar transistor. Support for this amendment to Claim 1 is found in FIG. 1 wherein base contact includes a phase change material liner 17 in which a portion thereof is located directly on a surface of base 20. See also the description of FIG. 1 found in paragraphs [0042]-[0044].

The above amendments to Claim 1 necessitated the amendments made to Claims 2, 3, 6 and 7. Applicants observe that Claim 5 has been cancelled herein.

Since the above amendments to the claims do not introduce new matter into the specification of the instant application, entry thereof is respectfully requested.

With respect to the anticipation rejection, it is axiomatic that anticipation under §102 requires that the prior art reference disclose each and every element of the claim to which it is applied. In re King, 801 F.2d, 1324, 1326, 231 USPQ 136, 138 (Fed. C.C. 1996). Thus, there must be no differences between the subject matter of the claim and

the disclosure of the prior art reference. Stated another way, the reference must contain within its four corners adequate direction to practice the invention as claimed. The corollary of the rule is equally applicable: Absence from the applied reference of any claimed element negates anticipation. Kloster Spee Steel AB v. Crucible Inc., 793 F.2d 1565, 571, 230 USPQ 81, 84 (Fed. Cir. 1986).


Applicants submit that Claims 1-8 of the present application, as amended herein, are not anticipated by Lowrey since the applied reference does not disclose the memory structure presently recited in Claim 1. Specifically, Lowrey does not disclose a memory structure having a base contact that includes a phase change material liner in which a portion of said liner is located directly on a surface of the base. Instead, Lowrey discloses a memory structure in which the phase change material 20 is located above emitter 40 and base 36 of a bipolar transistor. The phase change material 20 is in contact with a surface of the emitter 40 by conductively filled plug 38. The applied reference does not disclose that the phase change material 20 is located directly on a surface of the base 36 as is required in amended Claim 1 of the present application, nor that the phase change material is a liner of a base contact.

The foregoing remarks clearly demonstrate that the applied reference does not teach each and every aspect of the claimed invention, as required by King and Kloster Spee Steel; therefore the claims of the present application are not anticipated by the disclosure of Lowrey. Applicants respectfully submit that the instant § 102 rejection has been obviated and withdrawal thereof is respectfully requested.

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Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,


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